

ESTTA Tracking number: **ESTTA679598**

Filing date: **06/23/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	One Jeanswear Group Inc.		
Entity	Corporation	Citizenship	New York
Address	1441 Broadway New York, NY 10018 UNITED STATES		

Attorney information	Nancy Dodderidge One Jeanswear Group Inc. 1411 Broadway New York, NY 10018 UNITED STATES kblaukopf@ninewestholdings.com Phone:2126423867
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Applicant Information

Application No	85481839	Publication date	06/02/2015
Opposition Filing Date	06/23/2015	Opposition Period Ends	07/02/2015
Applicants	Cleary, Timothy P.O. Box 32 Forest Grove, OR 97116 UNITED STATES Beard, Kade 24221 Walker Rd. Parma, ID 83660 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Beanies; Coats; Hats; Hooded sweatshirts; Jackets; Pants; Shirts; Shorts; Socks; Sweaters; Sweatpants; Sweatshirts


Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration	1515449	Application Date	08/31/1983
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No.			
Registration Date	12/06/1988	Foreign Priority Date	NONE
Word Mark	ENERGIE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1982/08/01 First Use In Commerce: 1982/08/01 [MEN'S AND] WOMEN'S CLOTHING, NAMELY,T-SHIRTS, POLO SHIRTS, SWEATSHIRTS, SWEATPANTS AND SHORTS		

U.S. Registration No.	3728222	Application Date	05/28/2009
Registration Date	12/22/2009	Foreign Priority Date	NONE
Word Mark	ENERGIE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1982/08/01 First Use In Commerce: 1982/08/01 Bottoms; Tops		

Attachments	73441758#TMSN.png(bytes) 77746297#TMSN.png(bytes) NRG Notice of Opposition.pdf(92144 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/nancy dodderidge/
Name	Nancy Dodderidge
Date	06/23/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 85481839
Published in the Official Gazette on June 2, 2015
Mark: N NRG G

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)	
One Jeanswear Group Inc. ,)	
)	Opposition No. _____
Opposer,)	
)	
v.)	
)	
Kade Beard and Timothy Cleary ,)	
Applicants.)	
)	
_____)	

NOTICE OF OPPOSITION

Opposer One Jeanswear Group Inc. (“Opposer” or “OJG”) believes that it will be damaged by registration of the mark N NRG G, shown in Application Serial No. 85/481,839 by Applicants Kade Beard and Timothy Cleary (“Applicants”), and hereby opposes the same on the following grounds:

1. OJG is a New York corporation with its principal place of business at 1441 Broadway, New York, New York 10018.
2. OJG, through its parent and related companies and licensees, is a designer, manufacturer and marketer of fashionable women’s clothing, and accessories.
3. OJG is the owner of the ENERGIE trademark, which is federally registered.

4. OJG is the owner of, the following trademark registrations in the United States for the ENERGIE mark:

#	Mark	Reg. No.	Reg. Date	Goods/Services
1.	ENERGIE	1,515,449	12/6/1988	Women's clothing, namely, t-shirts, polo shirts, sweatshirts, sweatpants and shorts.
2.	ENERGIE	3,728,222	12/22/2009	Bottoms, tops

5. For more than thirty years, OJG, directly and through its predecessors in interest and licensees, has been using the federally registered mark ENERGIE.

6. OJG's rights in the ENERGIE Marks in the United States have priority since at least as early as 1982, long prior to the November 28, 2011 filing date of the subject application.

7. OJG has used and currently is using the ENERGIE Marks in the United States on or in connection with apparel.

8. OJG and its affiliates have exercised great care, skill, and diligence in providing apparel in connection with its ENERGIE Marks. As a result, Opposer has developed substantial consumer recognition and valuable goodwill in its ENERGIE Marks.

9. On information and belief, Applicants are individuals domiciled in Parma, Idaho and Forest Grove, Oregon.

10. On November 28, 2011, Applicants filed the application at issue herein, Serial No. 85/481,839 (the "Application"), seeking to register the mark N NRG G in Class 25 for "beanies, coats, hats, hooded sweatshirts, jackets, pants, shirts, shorts, socks, sweaters, sweatpants, sweatshirts."

11. Applicants' N NRG G mark so closely resembles OJG's ENERGIE Marks as to be likely, when applied to Applicants' goods, to cause confusion or mistake or to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with OJG and/or that such goods are approved, endorsed, or sponsored by or associated with Opposer.

12. Because of the similarity of the marks and the identical and related nature of the goods of the respective parties, Applicants' use of N NRG G for the aforementioned goods likely will result in consumer confusion as to source, affiliation, connection or association with OJG. As such, Applicant's mark is not entitled to registration pursuant to 15 U.S.C. § 1052(d).

13. In addition, any use of Applicants' mark will dilute Opposer's trademark rights in the OJG Marks.

14. OJG believes it will be damaged by the registration sought herein by Applicants' proposed mark within the meaning of 15 U.S.C. § 1063(a).

15. This opposition is timely filed. OJG received an extension to file an opposition through and including September 30, 2015.

This Notice of Opposition is being filed electronically, along with a filing fee of \$300.00. Please address all communications to Nancy Dodderidge at the address listed below.

WHEREFORE, OJG requests that the registration sought by Applicant be refused, that the Notice of Opposition be sustained, and that the Trademark Trial and Appeal Board grant such other relief as it deems just and proper.

Dated: June __, 2015

Respectfully submitted,

One Jeanswear Group Inc.

By: _____
Nancy M. Dodderidge
General Counsel

Please address all correspondence to:

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